

REMARKS

Claim 45 has been added, and therefore claims 22 to 45 are currently pending (since claims 1 to 21 were previously canceled in the previously filed Preliminary Amendment).

Reconsideration is respectfully requested based on the following.

With respect to paragraph two (2) of the Office Action, claims 1-21 were rejected under 35 U.S.C. § 102(b) as anticipated by European Patent 0602920 to "Hughes."

Claims 1 to 21 were canceled by a preliminary amendment filed on December 5, 2001, so that the anticipation rejections are moot as to these claims. Only claims 22 to 45 are presently pending. Clarification is respectfully requested.

To facilitate matters, the anticipation rejections are addressed as to previously presented claims 22 to 44 (as well as new claim 45).

To anticipate a claim under 35 U.S.C. § 102, a single prior art reference must identically disclose each and every claim feature. See Lindeman Machinenfabrik v. American Hoist and Derrick, 730 F.2d 1452, 1458 (Fed. Cir. 1984). If any claim feature is absent from a prior art reference, it cannot anticipate the claim. See Rowe v. Dror, 112 F.3d 473, 478 (Fed. Cir. 1997).

As regards claims 22 and 41 to 44, these claims have been further clarified to better define their subject matter. No new matter has been added, and these claims, as well as their dependent claims, are supported by the present application, including the specification, and are allowable for the following reasons:

The "Hughes" reference does not identically disclose (or even suggest) the features of the **second data being based on the first data** and checking the second data in the second processor **against the first data**, as provided for in the context of claim 22. The "Hughes" reference generally refers to diagnosis data that is transmitted along with a vehicle identifying code. However, the diagnosis data is based on the vehicle's condition and is **not** based on the vehicle identifying code. Thus, "Hughes" does not identically describe (or even suggest) the second data being based on the first data, and also does not check the second data against the first data.

That is and in particular, the "Hughes" reference concerns an information system for a driver who is parking a vehicle at a gas station. As characterized in the "Hughes" reference, diagnosis data are transmitted and stored, together with a code which identifies the vehicle. If the vehicle enters the same gas station again, the diagnosis data may be retrieved. In contrast with the presently claimed subject matter, the diagnosis data, which are

transmitted together with the vehicle identification, are not based on the vehicle identification (“second data based on first data is transmitted”), as provided for in the context of claim 22. Rather, the diagnosis data on the vehicle's condition may be a function only of the vehicle condition itself, but not of a coding of the vehicle identification. As further regards the presently claimed subject matter, it can be checked by the second additional data, using the second processor, whether the first data are correct. The second processor functions as the “enabling” calculator for the first data. In the “Hughes” reference, the vehicle is identified to identify the vehicle data, so that the only thing that is important is whether the vehicle identification data are correctly transmittable and identifiable.

Accordingly, claim 22 is allowable.

Claims 23 to 40 depend from claim 22 and are therefore allowable for at least the same reasons as claim 22.

As further regards claims 27 and 31, as presented, these claims have been further clarified to better define their subject matter. No new matter has been added, and the claims 27 and 31, as presented, are supported by the present application, including the specification. Accordingly, these claims are allowable for these further reasons.

Claims 41 and 42 include features like those of claim 22, in which the second data are based on the first data and the second data are checked in the second processor against the first data. Therefore, claims 41 and 42 are allowable for essentially the same reasons as claim 22.

Claims 43 and 44 include features like those of claim 22, as to the forming of the second data from the first data and of the second processor checking the second data against the first data. Therefore, claims 43 and 44 are allowable for essentially the same reasons as claim 22.

New claim 45 does not add any new matter and is supported by the present application, including the specification. New claim 45 depends from claim 22, and is therefore allowable for at least the same reasons as claim 22.

Accordingly, claims 22 to 45 are allowable.

CONCLUSION

In light of the foregoing, claims 22 to 45 are allowable. It is therefore respectfully requested that the rejections be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Respectfully submitted,

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